

(1971 Replacement Volume and 1974 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 641 of Article 27 - Crimes and Punishments, of the Annotated Code of Maryland (1971 Replacement Volume and 1974 Supplement) be and it is hereby repealed:

Article 27 - Crimes and Punishments

[641.

Before the conviction of a person accused of crime, including but not limited to a person who has pleaded guilty or nolo contendere, a court exercising criminal jurisdiction may place the person on probation without finding a verdict, if the person consents in writing. The court may impose the conditions of probation it deems proper. In all cases involving probation or probation without finding a verdict, the court may order restitution provided that the person is entitled to notice and a hearing to determine the amount of restitution, what payment will be required, and how the payment will be made.]

SECTION 2. AND BE IT FURTHER ENACTED, That new Section 641 be and it is hereby added to Article 27 - Crimes and Punishments, of the Annotated Code of Maryland (1971 Replacement Volume and 1974 Supplement) to read as follows:

Article 27 - Crimes and Punishments

641.

(A) WHENEVER A PERSON ACCUSED OF CRIME PLEADS GUILTY OR NOLO CONTENDERE OR IS FOUND GUILTY OF AN OFFENSE, A COURT EXERCISING CRIMINAL JURISDICTION, IF SATISFIED THAT THE BEST INTERESTS OF THE PERSON AND THE WELFARE OF THE PEOPLE OF THE STATE WOULD BE SERVED THEREBY, AND WITH THE WRITTEN CONSENT OF THE PERSON, MAY, AFTER DETERMINATION OF GUILT OR ACCEPTANCE OF A NOLO CONTENDERE PLEA, STAY THE ENTERING OF JUDGMENT, DEFER FURTHER PROCEEDINGS, AND PLACE THE PERSON ON PROBATION SUBJECT TO REASONABLE TERMS AND CONDITIONS AS APPROPRIATE. THE TERMS AND CONDITIONS MAY INCLUDE ORDERING THE PERSON TO MAKE RESTITUTION, BUT BEFORE THE COURT ORDERS RESTITUTION THE PERSON IS ENTITLED TO NOTICE AND A HEARING TO DETERMINE THE AMOUNT OF RESTITUTION, WHAT PAYMENT WILL BE REQUIRED, AND HOW PAYMENT WILL BE MADE.